REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action dated April 19, 2005 are respectfully requested.

With regard to the rejection of the claims based upon the prior art, the Examiner rejects Claims 1-8, 10-20, 22-33, and 35-37 under 35 U.S.C. § 102(e) as being anticipated by Mitchem et al. The Examiner also rejects Claims 9, 21, and 34 as being obvious under 35 U.S.C. § 103(a) in view of Mitchem in combination with Hu et al.

The Cited Prior Art:

The Mitchem reference relates to a method for selecting frames for transmission through a routing device. Once frames of data are received, an initial score is assigned to the content of the data, including one or more frames of data. The initial scores are assigned to the data using a quality of service value based on the content of the data. The initial scores are then adjusted and compared with each other. Frames having the highest adjusted scores are identified, and the data having the highest score is rearranged in a reordered queue based on the adjusted scores. The frames having the highest adjusted scores may then be transmitted through the routing device.

The Hu reference relates to a method for bypassing the server to achieve higher throughput between a data network and a data storage system.

The Examiner's Arguments:

The Examiner rejects Claims 1-8, 10-20, 22-33, and 35-37 under 35 U.S.C. § 102(e) as being anticipated by the Mitchem reference. The Examiner argues that Mitchem discloses a method in a switch for buffering data received through a destination port and for selecting either a first frame or a second frame for transmission through a destination port based on a priority score of the first frame and the second frame.

Next, the Examiner rejects Claims 9, 21, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Mitchem in view of Hu. The Examiner argues that Mitchem discloses a method in a switch for buffering data received through a source port before

transmitting the data through a destination port and that Hu discloses the use of an InfiniBand compatible switch.

Applicants respectfully request reconsideration.

Applicants' Amendments and Arguments:

Applicants have amended independent Claims 1, 12, and 25. In view of the amendments made to Claims 1, 12, and 25, the arguments will be directed towards the Mitchem reference.

The Mitchem reference discloses a method for selecting frames for transmission through a routing device. Once frames of data are received, an initial score is assigned to content of the data, including one or more frames of data. The initial scores are then adjusted and compared with each other. Frames having the highest adjusted scores are identified, and the data having the highest score is rearranged in a reordered queue based on the adjusted scores. The frames having the highest adjusted scores may then be transmitted through the routing device. See Mitchem at column 6, lines 50-58. However, Mitchem fails to disclose selecting either a first frame or a second frame for transmission through a routing device based on "the length of time that the first frame and the second frame have been stored." Instead, Mitchem discloses selecting either a first frame or a second frame based only on comparing adjusted scores assigned to each frame. See Mitchem at column 6, lines 50-58. In addition, Mitchem fails to disclose a method for storing a frame of data. Instead, Mitchem only discloses a method for receiving data. See Mitchem at column 6, line 49.

The present claimed invention of independent Claims 1, 12, and 25, in contrast, discloses selecting either a first frame or a second frame for transmission through a routing device based on "the length of time that the first frame and the second frame have been stored." Claims 1, 12, and 25 have been amended to recite, among other limitations, a method for selecting either a first frame or a second frame for transmission through a routing device based on "the length of time that the first frame and the second frame have been stored." Mitchem fails to disclose such a method. For at least this reason, Claims 1, 12, and 25 are patentable over Mitchem.

Since independent Claims 1, 12, and 25 are allowable, the claims that depend on Claims 1, 12, and 25 are likewise allowable. For at least this reason, Claims 2-8, 10, 11, 13-20, 22-24, 26-33, and 35-37 are patentable over Mitchem, and Claims 9, 21, and 34 are patentable over the combination of Mitchem and Hu.

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the cited art. The applicant accordingly requests reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Respectfully submitted,

Perkins Coie LLP

Date: 6/15/05
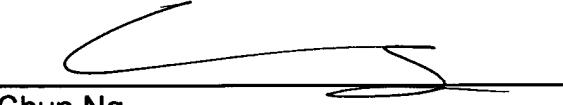
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